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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/789,100

02/27/2004

Douglas S. Lacy

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05/18/2005

PERKINS COIE LLP

PATENT-SEA

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EXAMINER

HOLZEN, STEPHEN A

ART UNIT

PAPER NUMBER

3644

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,100

Applicant(s)

LACY ET AL.

Examiner

Stephen A. Holzen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 29-38, 40-44 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) 5, 30, 40 and 46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-4, 29, 31-38, 41-44, 47-50 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-5, 29-38,40-44 and 46-50 are pending.

Claims 5, 30, 40, and 46 are withdrawn

Claims 1-4, 29, 31-38,41-44, and 47-50 are subject to a restriction requirement

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claim 1-4, drawn to a method for sizing an aircraft system, classified in class 244, subclass 217.
 - II. Claims 29, 31-38, 41-44, 47-50, drawn to an aircraft system, classified in class 244, subclass 214.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)).

In this case the apparatus can be practice by another materially different process such as "determining a leading edge device chord length at each of the plurality of spanwise locations approximately equal to the smallest leading edge device chord length required to provide a local maximum lift coefficient when the airfoil is operated at at least one selected design condition and a selected aircraft angle of attack.

Additionally, in this case the apparatus can be practiced by another materially different process such as "determining a leading edge device chord length at each of a plurality of spanwise location approximately proportional to the smallest high lift means chord length required to provide a local maximum lift coefficient when the airfoil is operated at at least one selected design condition and a selected aircraft angle of attack.

3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

4. Upon election of one of groups I or II above, Applicant is required under 35 U.S.C. 121 to elect a single disclosed species of "conditions" for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

- a. Design conditions
- b. Operating conditions

5. Upon election of one of species a-b above applicant is required under 35 U.S.C. 121 to elect a single disclosed species of "leading edge device chord lengths" for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

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- c. wherein a leading edge device chord length is equal to the smallest leading edge device chord length required to provide a local maximum lift coefficient
 - d. wherein a leading edge device chord length at each spanwise location is not equal to the smallest leading edge device chord length to provide a local maximum lift coefficient
6. Upon election of one of the species identified above as a and b, applicant is further required under 35 USC 121 to elect a single species of "design" or "operating" conditions, for the purpose of examination, consisting of various alternative conditions: (e.g. High Subsonic Flight speed condition, Transonic cruise conditions, Landing condition, maneuvering flight condition, e.g.). This is to facilitate examining due to the broad range of "design" or "operating" conditions disclosed as being suitable (e.g. see ¶s 0002 & 0024 of applicant's specification).
7. Upon election of one of species a-b above applicant is required under 35 U.S.C. 121 to elect a single disclosed species of "dynamic characteristic" for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.
- e. flight plan
 - f. Velocity
 - g. Acceleration

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h. Rates (yaw rate)

8. Upon election of one of species a-b above applicant is required under 35 U.S.C. 121 to elect a single disclosed species of "physical characteristics" for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

i. Aircraft weight

j. Carriage of one stores

k. Carriage of more than one stores

l. Aircraft structural arrangements (conformal fuselage fuel tanks)

m. Moments of inertia created by internal loading

n. Dynamic movement of various control surfaces (e.g. the all movable horizontal tail)

o. Aircraft Configuration (the relative position of the leading and trailing edge devices)

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

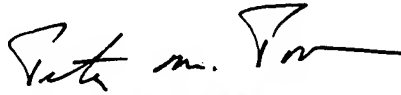
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 571-272-6903. The examiner can normally be reached on M-F 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harvey E Behrend can be reached on 571-272-6871. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sah


PETER M. POON
SUPERVISORY PATENT EXAMINER
5/15/05